

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 23-CR-20489  
Hon. Bernard A. Friedman

D- 7 MAKALEA OURSO,

Defendant.

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**MOTION AND BRIEF TO MODIFY BOND**  
**CONDITIONS**

Defendant Ourso moves this Court for an Order permitting a modification of her pre-trial release order and in support of this motion states as follows:

- 1) Defendant sought concurrence of this motion via email on November 8, 2023, but did not receive a response.
- 2) Defendant is charged with one count of Conspiracy to Transport Stolen Vehicles, contrary to 18 U.S.C. §§371, 2312 a felony punishable for up to five years in prison.
- 3) Ms. Ourso is 21 years old and has no prior criminal history.
- 4) At the time of her arrest in this matter, she was residing in Florida having recently relocated there from Ohio.

- 5) She has one minor child who, on a temporary basis, is currently residing with Ms. Ourso's parents who live in a suburb outside of Toledo, Ohio.
- 6) Ms. Ourso is a certified Phlebotomist and wants to continue to work in the medical field, but with a felony conviction, she will be precluded from working in that area.
- 7) The Eastern District of Michigan has initiated a program called "Restart" where certain selected defendants who do not have a significant criminal history and are not charged with very serious or assaultive crimes can be diverted into this special program where, if successfully completed, a defendant can avoid a federal felony conviction.
- 8) One of the criteria of eligibility is that the applicant must reside in the Eastern District of Michigan.
- 9) Upon learning of this requirement, Ms. Ourso asked pretrial services for permission to live with extended family members in Temperance Michigan, a small town in Monroe County about 10 miles from Toledo.
- 10) Recently Ms. Ourso was informed that Pre-trial Services approved the residence and she is planning to live in her new location within a week.
- 11) It is her plan initially to get a job and have her parents provide child care during the day while this matter is pending.

12) That means that she will have to travel into the State of Ohio frequently to pick up and drop off her child with her parents and/or to visit with her daughter in Ohio until she gets established.

13) Consequently, she would have to frequently leave the state of Michigan (the Eastern District).

14) The standard condition of pre-trial release is that a Defendant being supervised by pre-trial services cannot leave the Eastern District without seeking permission of the pre-trial services officer.

15) Because Ms. Ourso would be travelling almost daily to Ohio, she is seeking a modification of the bond restriction that precludes her from leaving the Eastern District without permission of pre-trial services.

16) She would specifically request a modification in the bond condition that she be allowed to travel to and from the Northern District of Ohio (as well as the Eastern District of Michigan) without obtaining permission from pretrial services.

17) Pre-trial services for the Eastern District has no objection to this relief.

#### LEGAL ARGUMENT

18) A person ordered released by a magistrate judge may file a motion for amendment of the release conditions. 18 U.S.C. § 3145(a)(2). Districts courts review a magistrate judge's pretrial order under a *de novo* standard. *See United States v. Marcrum*, 953 F. Supp. 2d 877, 880

(W.D. Tenn. 2013). Under the Bail Reform Act, a defendant's release pending trial is made "subject to the least restrictive further condition, or combination of conditions, that . . . will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(c)(1)(B).

19) This court has discretion to grant Defendant relief.

WHEREFORE for the foregoing reasons, Defendant Ourso is requesting that this Court amend the Order of Release to allow her to travel to the Northern District of Ohio without first seeking permission from pre-trial services.

Respectfully submitted,

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